

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERIC J. MENG

Plaintiff,

vs.

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Defendant.

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Case No. 4:13 CV 2527 RWS

MEMORANDUM AND ORDER

On April 4, 2014, I dismissed Plaintiff Eric J. Meng's complaint on res judicata grounds and for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Meng has since sent me several letters regarding his case [#14, #15, #16, and #18]. Because Meng is Pro Se, I will construe his letters as a Motion to Alter or Amend Judgment pursuant to Fed. R. Civ. P. 59(e).

Rule 59(e) motions serve a "limited function of correcting manifest errors of law or fact or to present newly discovered evidence." Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998) (internal quotations omitted). Rule 59(e) does not afford an opportunity to present evidence or legal argument that could have been offered prior to entry of judgment. See Freeman v. Busch, 349 F.3d 582, 589 (8th Cir. 2003). The Court has "broad discretion in determining whether to open a judgment pursuant to a Rule 59(e) motion." Roudybush v. Zabel, 813 F.2d 173, 178 (8th Cir. 1987). Because Meng fails to offer any new material facts or legal standards that were not previously before the Court when I dismissed his complaint, I will deny his present motion to alter or amend judgment.

As I explained in my Order dismissing his complaint, Meng's second action against Defendant is precluded by the doctrine of res judicata. If Meng believes he now possesses information or evidence that would entitle him to relief from the prior judgment entered by Judge Charles A. Shaw in Meng v. CitiMortgage, Inc., et al., No. 4:12-CV-514 CAS, 2013 WL 1319008 (E.D. Mo. March 29, 2013), then he must file an appropriate motion in that case.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Alter or Amend Judgment [#14 and #15] is **DENIED**.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of May, 2014.